

Alabama Environmental Management
Commission Meeting dated February 20, 2015

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| <p>1 is April 17, 2015, at 11 a.m. in this 2 room. I understand all Commissioners are 3 currently available to be here.</p> <p>4 Moving on to the public-comment 5 period, we have a request from State 6 Representative Oliver L. Robinson, Jr. on 7 behalf of concerned citizens working and 8 residing in north Birmingham regarding 9 the proposed addition of the 35th Avenue 10 site in north Birmingham to the EPA's 11 National Priority List and the impacts 12 thereof.</p> <p>13 The Chair recommends that the 14 Commission vote in favor of hearing from 15 Representative Robinson and will 16 entertain a motion.</p> <p>17 VICE CHAIRMAN PHILLIPS: So 18 moved.</p> <p>19 DR. LAIER: Second.</p> <p>20 CHAIRMAN BROWN: All in favor. 21 (Unanimous.)</p> <p>22 CHAIRMAN BROWN: After that, we 23 will have Mitch Reid on behalf of the</p> | Page 29 | Page 31 |
| <p>1 Alabama Rivers Alliance speak on the 2 subject of Coal Ash Regulation and the 3 recently released federal regulations on 4 that issue. The Chair recommends we 5 consider granting the request for comment 6 and will entertain a motion.</p> <p>7 VICE CHAIRMAN PHILLIPS: So move.</p> <p>8 DR. LAIER: Second.</p> <p>9 CHAIRMAN BROWN: All in favor. 10 (Unanimous.)</p> <p>11 CHAIRMAN BROWN: To 12 Representative Robinson and Mr. Reid, as 13 you know, we prefer that you limit your 14 comments to ten minutes. And we will 15 hear from Representative Robinson first, 16 if that's okay.</p> <p>17 REPRESENTATIVE ROBINSON: Thank 18 you very much, Mr. Chairman and members 19 of the Commission. I promise you I'll 20 keep it under ten.</p> <p>21 I'm here today because of the 35th 22 Avenue North Superfund Site. And there 23 have been petitions provided to the</p> | Page 30 | Page 32 |
| <p>1 Environmental Protection Agency to have 2 the City of Tarrant and Inglenook 3 neighborhood designated as Superfund 4 sites. And both of these locations were 5 in my legislative district, and I have 6 been called by constituents to have 7 questions answered and to understand 8 better the process of them becoming -- 9 being on the Superfund site. That led 10 me, as the vice chairman of the Jefferson 11 County House delegation, to do some 12 research on the Superfund designations 13 and the NPL listings and to look at the 14 North Birmingham 35th Avenue area 15 location with some fervor.</p> <p>16 And I've had an opportunity to meet 17 with the EPA and the GASP organization 18 who are involved in this process, but I 19 have yet to see any information that 20 shows me that this area should be 21 designated as a Superfund site, not to 22 mention being put on the NPL listing. 23 And maybe I can get some of those answers</p> <p>1 from this body or -- or ADEM. 2 I'm really here today to try to 3 protect the residents of north 4 Birmingham. To date, after meeting with 5 everybody, there's been no reports 6 produced to me or for me by the EPA 7 that's available to the public that 8 accurately states who is responsible for 9 that contamination. And one company -- 10 Walter Coke -- in the area has accepted 11 responsibility for what they have -- the 12 part that they have contaminated. But 13 the thing that gets me and what is in the 14 process of hurting the residents in that 15 area is that the EPA has included five 16 other corporations in on this process, 17 but there has been no reports stating 18 that these individuals are culpable in 19 any way. And where that hurts the 20 residents is the fact that we will have 21 decades of litigation that will occur 22 because of these five individual 23 companies being added to Walter Coke.</p> | | |

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| <p>1 And that is where it all begins for 2 the residents, because at that point, I 3 can tell you from the responses that I've 4 been getting is that, number one, their 5 property values have plummeted. And in 6 doing so, we've had a couple of -- or 7 more -- to go to our tax assessor's 8 office in Jefferson County and ask 9 whether their tax burdens can be reduced 10 because of the Superfund's site 11 designation and the -- the decline in 12 their property value. And that can't 13 happen and sorry that it can't, but the 14 tax assessors cannot do anything to help 15 them in any way from that perspective. 16 That is hurting them bad. 17 The thing that we want more than 18 anything is to find out or to get a 19 fingerprint of who actually contaminated 20 that area, and we haven't received that 21 yet from the EPA. And I think that's 22 what is creating this litigation, number 23 one, and the time that it's going to take</p> | <p>Page 33</p> <p>1 if you're put on that listing, then where 2 you live is considered a dump and nothing 3 can happen there until it's either 4 cleaned up and after that, it will take 5 tremendous investment to get it to move 6 forward. 7 And just in closing, again, 8 Mr. Chairman and members, my request here 9 today is if ADEM has the ability or if 10 there are any reports out there that -- 11 that they can share that will help us to 12 narrow down who's responsible, then that 13 will be very helpful for the residents in 14 my area. And, finally, Mr. Chairman, 15 if -- if at all possible, I may have a 16 question or two because you-all know more 17 about this than I do and ever will. But 18 if I could present those questions 19 through written format that they will be 20 answered for. 21 So that is my statement here today, 22 and I thank you-all for giving me the 23 opportunity to make those statements.</p> |
| <p>1 for this to be resolved. I'm hoping that 2 this body, along with ADEM, can come, if 3 there are current reports or current 4 ways, to let us know through testing or 5 whatever that can be done to find out who 6 is culpable in this situation. And if 7 all five or six are and we can determine 8 that, then let's move forward and -- and 9 with posthaste. 10 But if we can't do that, then let's 11 get those out that we can't identify so 12 that we can reduce the number of people 13 that's involved from that perspective. 14 These individuals, they can't rent the 15 properties, they can't sell the 16 properties, and, actually, it's against 17 the law if they go out and turn the dirt 18 on their own property because of this 19 designation as a Superfund site. And it 20 will be even more if it goes to be put on 21 the NPL list, because at that point, 22 wherever you're living, it's considered a 23 dump. That's what it is. If you are --</p> | <p>Page 34</p> <p>1 CHAIRMAN BROWN: Thank you. Does 2 anybody have any questions for 3 Representative Robinson or any comments? 4 (No response.) 5 REPRESENTATIVE ROBINSON: Thank 6 you very much. 7 CHAIRMAN BROWN: Thank you. 8 Would the -- I guess I'd like to say, 9 Representative, first, thank you for 10 being here and we appreciate your concern 11 on the -- on behalf of the citizens of 12 Birmingham. And I think, as reflected in 13 the record, that ADEM's comments to EPA, 14 I think a lot of your concerns that you 15 have raised are shared by the Department 16 and, by extension, the Commission. And 17 Director LeFleur is the man to ask for 18 any information that you need, and you 19 can always feel free to contact us as 20 well. But that's the most efficient 21 source. 22 REPRESENTATIVE ROBINSON: All 23 right. Thank you very much.</p> |